

5/26/76

STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

In the Matter of	:	
	:	
Bargaining Unit Determination	:	
	:	CASE NO. <u>U-0601</u>
University of New Hampshire	:	
	:	
System RSA 273-A:8	:	DECISION NO. 76-02
	:	

BOARD DETERMINATION

This Board having been petitioned by Chapters of the American Association of University Professors; the American Federation of Teachers; and, the New Hampshire Education Association, all possessing the required interest documentation, set a public hearing in the matter on February 19, 1976 which was adjourned due to faulty notice procedure to March 18, 1976.

A Public Hearing was held at Concord, New Hampshire, March 18, 1976, for the purpose of hearing oral and written testimony. April 15, 1976 was established as the final date for interested parties to submit further written briefs in this matter.

The Public Employee Labor Relations Board, meeting on May 12, 1976, considered both the oral and written testimonies and made the following findings:

A. BARGAINING UNIT DETERMINATION

1. Existence of differing community of interests at each of the three area campus locations. It was evident to the Board that each campus operates in a substantially independent manner, guided by general overall University policy. The relationship between the academic faculty and the administration structure appears divided into three groups.
2. There exists evidence of some variation in qualifications for the academic faculty between the three campus areas.
3. Personnel matters such as tenure, hiring and firing are dealt with at the campus level under general broad University policy, evidenced by separate policy guides for each campus.

4. RSA Chapter 187 recognizes autonomy of the separate campus system.

Considering the evidence, the Board establishes three separate bargaining units consisting of all Full Time Academic Faculty:

One Unit at the University of New Hampshire Durham Campus
One Unit at the University of New Hampshire Keene Campus
One Unit at the University of New Hampshire Plymouth Campus

B. LIBRARIANS

1. The Board finds that Librarians are given faculty rank and tenure based on qualifications and share in the same benefits as faculty members.
2. Librarians do, in fact, participate in a measurable degree in the related teaching process.
3. A community of interest with academic faculty is apparent from testimony and the Policies and Procedures of the University System.

Considering the evidence, the Board has found that Librarians shall be included in the bargaining unit.

C. DEPARTMENT CHAIRMEN

1. Supervisory responsibility of Department Chairmen is limited and minimal at best.
2. The major part of their efforts are in the teaching area by requirement, however, some effort is directed to research, etc.
3. Chairmen, in reality, act as liaison between the Faculty and the Dean and Administrative Officers; make recommendations as to performance, tenure, and to a degree, hiring and firing, but do not possess any final authority in this area.
4. The community of interest of the Chairmen appear clearly with the faculty rather than the administrative authorities.
5. The confidential relationship of the Chairmen to the Administration appears not to exist.

Considering the evidence, the Board finds that Department Chairmen shall be included in the bargaining unit.

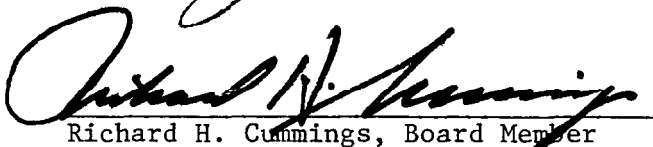
D. WHEELOCK LABORATORY SCHOOL FACULTY, KEENE STATE COLLEGE

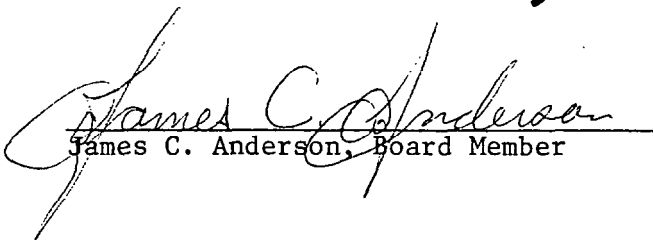
1. Teachers in the Wheelock Laboratory School of Keene State College are involved at different levels of teaching than the faculty of Keene State College.
2. The salary schedule, fringe benefits, qualifications are determined in conjunction with the local school board in Keene.
3. The New Hampshire Supreme Court in the case of the Plymouth School District vs State Board of Education, 112 N. H. 74 at 78, treats teachers at the Plymouth Laboratory School as public teachers under the provision of RSA 189, and not members of the Plymouth State College faculty.

The Board feels that this decision would be applicable to the Wheelock Laboratory School, Keene State College.

Considering the evidence, the Board finds that the Wheelock Laboratory School Faculty, Keene State College, are excluded from the bargaining unit.


Edward J. Haseltine, Chairman


Richard H. Cummings, Board Member


James C. Anderson, Board Member

Dated: May 26, 1976

(It is noted that Board Member, Joseph B. Moriarty, abstained from participation and voting; and, that Board Member, Edward L. Allman was absent on May 12, 1976)